

**In the United States District Court
for the Southern District of Georgia
Waycross Division**

ASHLIE MUNCEY, as Surviving
Parent of Loyce Tucker, et al.,

Plaintiffs,

v.

THOMAS LEE HICKS, JR., et al.,

Defendants.

CV 5:23-078

ORDER

Plaintiffs initiated this action on June 21, 2023 in Ware County State Court. See Dkt. No. 1-1 at 2. Defendants removed the case to this Court on August 14, 2023. Dkt. No. 1. Days later, Plaintiffs filed an amended complaint. Dkt. No. 8. On August 29, 2023 and August 31, 2023, Defendants filed motions to dismiss the amended complaint. Dkt. Nos. 14, 17. Then, on September 26, 2023, Plaintiffs filed a motion for leave to file a second amended complaint. Dkt. No. 25. The Court recently granted the motion. Dkt. No. 46. Plaintiffs then timely filed their second amended complaint. Dkt. No. 47. For the reasons below, Defendants' motions to dismiss are **DENIED** as moot.

LEGAL STANDARD

Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading with the court's leave. Fed. R. Civ. P.

15(a)(2). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

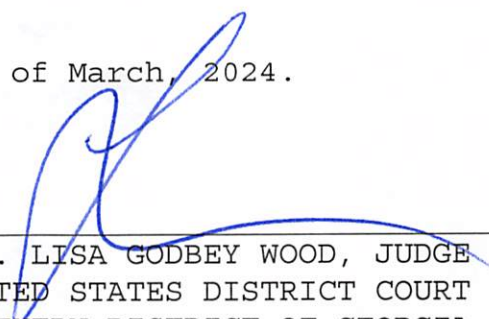
DISCUSSION

Plaintiffs sought and received the Court's leave to file their second amended complaint pursuant to Rule 15(a)(2). Further, Plaintiffs' second amended complaint supersedes their first amended complaint. Defendants' motions to dismiss the amended complaint, dkt. nos. 14, 17, have thus been rendered moot by Plaintiffs' filing of their second amended complaint. Should Defendants wish to renew their motions to dismiss with regard to the second amended complaint, they are granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

Defendants' motions to dismiss the original complaint, dkt. nos. 14, 17, are **DENIED as moot**.

SO ORDERED, this 1 day of March, 2024.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA